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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hans-Werner RIEL et al

Art Unit: 3683

Application No.: 10/668,183

Confirmation No.: 4032

Examiner: B. King

Filed: September 24, 2003

Washington, D.C.

For: ADJUSTABLE-LENGTH COMPRESSION SPRING

Atty.'s Docket: RIEL =1

Date: August 30, 2004

Customer Window, Mail Stop AMENDMENT
THE COMMISSIONER OF PATENTS AND TRADEMARKS
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Monday

Sir:

Transmitted herewith is a [XX] REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$
TOTAL	
\$	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
[] Second - \$ 210.00
[] Third - \$ 475.00
[] Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
[] Second - \$ 420.00
[] Third - \$ 950.00
[] Fourth - \$ 1,480.00

Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: RIEL =1

In re Application of:)	Art Unit: 3683
)	
Hans-Werner RIEL et al)	Examiner: B. King
)	
Appln. No.: 10/668,183)	Washington, D.C.
)	
Date Filed: September 24, 2003)	Confirmation No. 4032
)	
For: ADJUSTABLE-LENGTH)	August 30, 2004
COMPRESSION SPRING)	<u>MONDAY</u>

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Office Action mailed July 28, 2004, primarily in the nature of a restriction requirement.

Acknowledgement by the PTO of the receipt of applicants' papers filed under §119 is noted.

The Office Action requires applicants to elect one from among four (4) species as outlined at the top of page 2 of the Office Action. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect what is identified as Species I of Figs. 1-4, with traverse and without prejudice.

In re of Appln. No. 10/668,183

All the claims, i.e. claims 1-16, read on the elected Species I.

Applicants submit that even if the species were patentably distinct from one another, and applicants take no position of such point at this time, there still should be no requirement for election of species, as the species are sufficiently similar so that all should be examined in the same application. Moreover, it would not be an unreasonable burden to do so, and thus applicants further rely on the second paragraph of MPEP 803, to the extent necessary.

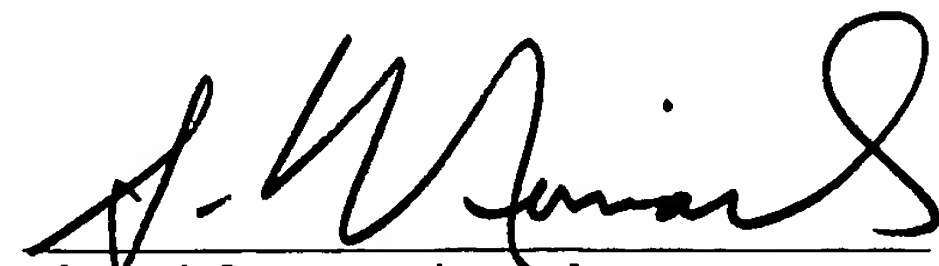
However, in view of the fact that all of the claims read on the elected species, it would seem that an election is unnecessary. Applicants make no comment at this time on whether or not there are any generic claims present.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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